UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,206	03/06/2002	George M. Brookner	770P009542-US(PCT)	8222

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER
HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/009,206	BROOKNER, GEORGE M.
Office Action Summary	Examiner	Art Unit	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06 March 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>11-8-01 2-22-03 & 10-3-05</u>

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   <u>Claims 1-7, 15-25, and 32-35</u> are rejected under 35 U.S.C. 102(a/e) as being

anticipated by <u>Sudia</u> (U.S. Patent No. 5,841,865).

Regarding <u>claims 1 and 19,</u> <u>Sudia</u> teaches a method/apparatus for serving a

plurality of devices through a communications network, the apparatus comprising:

- A memory for storing a plurality of records associated with the devices,

    respectively (col. 13, lines 52-65);

- An input element for receiving from a selected device a request for configuration

    thereof through the communications network, the request including coded

    information (col. 13, lines 49-52);

- A processor responsive to the request for locating a record associated with the

    selected device, and verifying an identity of the selected device based on the

coded information, the record including second information concerning a selected

configuration (col. 13, lines 37-48); and

- An output element for providing through the communications network to the

   selected device information objects for realization of the selected configuration

   based on the second information when the identity of the selected device is

   verified (col. 13, lines 49-52).

Regarding <u>claims 2 and 20</u>, <u>Sudia</u> teaches wherein the coded information

including encrypted information concerning the identity of the selected device (col. 2,

lines 46-66).

Regarding <u>claims 3, 17, 21, and 34</u>, <u>Sudia</u> teaches wherein the encrypted

information concerns a serial number of the selected device (col. 3, lines 19-52 and col.

8, lines 18-24).

Regarding <u>claims 4, 18, 22, and 35</u>, <u>Sudia</u> teaches wherein the encrypted

information is encrypted in accordance with a public key algorithm (col. 27, lines 13-33).

Regarding <u>claims 5 and 23</u>, <u>Sudia</u> teaches wherein the coded information

including a digital signature resulting from cryptographically signing at least part of the

request (col. 27, lines 40-55).

Regarding claims 6 and 24, Sudia teaches wherein the information objects

include software components (col. 11, lines 35-44).

Regarding claims 7 and 25, Sudia teaches wherein the information objects

include data (col. 4, lines 58-66).

Regarding claims 15 and 32, Sudia teaches a method/apparatus for serving a

plurality of devices through a communications network; the apparatus comprising:

- A memory for storing a plurality of records associated with the devices,

  respectively (col. 13, lines 52-65);

- An input element for receiving from a selected device a request for configuration

  thereof through the communications network, the request including a

  cryptographic element, and first information concerning a first identifier identifying

  the selected device, the first information being encrypted (col. 13, lines 49-52 and

  col. 15, lines 15-25);

- A processor for selecting a record based on the cryptographic element, the

  selected record including a second identifier and configuration information, the

  processor determining whether the second identifier corresponds to the first

  identifier obtained by decrypting the first information using the cryptographic

  element (col. 13, lines 37-48 and col. 15, lines 28-49); and

- An output element for causing the selected device to be configured based on the

  configuration information when it is determined that the second identifier

  corresponds to the first identifier (col. 13, lines 49-52).

Regarding <u>claims 16 and 33</u>, <u>Sudia</u> teaches wherein the cryptographic element

includes a public key (col. 4, lines 5-19).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   <u>Claims 8-14 and 26-31</u> are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Sudia</u> (USPN '865).

Regarding <u>claims 8 and 26</u>, <u>Sudia</u> teaches a method/apparatus configurable by a

server through a communications network, the apparatus comprising:

- Storage for storing a cryptographic element (col. 16, lines 12-32);

- A processor for generating a request which includes therein coded information

  for verification by the server of an identity of the apparatus, the coded information

  being generated using the cryptographic element (col. 16, lines 46-55);

- An interface for receiving information objects for configuring the apparatus from

  the server through the communications network when the identity of the

  apparatus is verified by the server (col. 13, lines 49-52); and

- A memory (col. 13, lines 53-65).

Sudia does not specifically teach a loader for directing the information objects to

be loaded in the memory in accordance with a predetermined plan. However, it would

have been obvious to one of ordinary skill in the art, at the time the invention was made,

to combine a loader for directing the information objects to be loaded in the memory in

accordance with a predetermined plan, with the method/apparatus of Sudia, because

the loader takes and loads the executable code of a program into memory to direct the

information objects to be loaded.

Regarding claims 9 and 27, Sudia teaches wherein the cryptographic element

includes a private key (col. 4, lines 5-19).

Regarding claims 10 and 28, Official Notice is taken that the request is

automatically generated on an initial power up of the apparatus because the sender

cryptographic device uses an algorithm to encrypt the message when loaded with the

cipher key for the session of the communication.

Regarding claims 11 and 29, Sudia teaches wherein the coded information

including a digital signature resulting from cryptographically signing at least part of the

request (col. 27, lines 40-55).

Regarding claim 12, Official Notice is taken that the apparatus comprises a

franking system because a franking system has the signature of the sender on a

franked mail serving in place of a postage stamp and unmistakably evident.

Regarding <u>claims 13 and 30</u>, <u>Sudia</u> teaches wherein the information objects

include software components (col. 11, lines 35-44).

Regarding <u>claims 14 and 31</u>, <u>Sudia</u> teaches wherein the information objects

include data (col. 4, lines 58-66).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brandon Hoffman whose telephone number is 571-272-

3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

BH

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